Supreme Court, U.S.
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No. 04-197

In The

Supreme Court of the United States

Brian Kilcullen

Petitioner

v.

Guy Lewis, et al.

Respondents

On Petition For Writ Of Certiorari
To The United States Court of Appeals
For The Eleventh Circuit

REPLY BRIEF FOR PETITIONER BRIAN KILCULLEN

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DOCKET

I, Brian Kilcullen, filed this Petition for Writ of Certiorari, on June 4th, 2004. Said Writ, sworn to under oath, outlines a cleverly perpetrated fraud and constitutional deprivation scheme, utilizing the Asset Forfeiture Program and Civil Forfeiture Statutes. In which, a number of federal officials, civil contractors and individuals have and are participating. The historical facts of this case, through present day, show a concerted effort by multiple individuals and entities to conceal said scheme, by putting forth and agreeing to clearly documented false and fraudulent misrepresentations.

BUTLER DEFENDANTS

The Butler Defendants, represented by Richard Guiffreda, have waived their right (August 23rd, 2004) to Respond, per Supreme Court Rule 15.

It should be noted, that Roy Butler, Jr. and Patrick Holmes, on behalf of Roy Butler, Sr., are sworn to have had unlawful access to logbooks and avionics (Petitioner's Writ - page 10, item #14), which had been deliberately and criminally, withheld from all other auction participants. To include myself, Brian Kilcullen. Documented by an EG&G "Property Access Register" for seized inventory, which does not reflect any other viewers/bidders other than Roy Butler, Jr. and Patrick Holmes, being permitted to access these supposedly missing items.

Further, Roy Butler, Sr. is stated to have sent a knowingly false and fraudulent letter, by US Mail (See Appendix A), to the US Customs Service. Which, I can and have attested to as such, under oath, as Roy Butler, Sr. and I, have never spoken, as alleged by the Roy Butler, Sr. letter.

Hence the wise decision by counsel, Richard Guiffreda, to Waive their rights to Respond.

FEDERAL DEFENDANTS & THE UNITED STATES of AMERICA

The Acting Solicitor General (ASG), Paul Clement, made appearance as counsel, for both the United States of America and the Federal Defendants on September 1st, 2004, waiving their right to Respond to this Writ for Certiorari.

In spite, of the enumerable violations of federal statute and constitutional rights, outlined, on the part of said Federal Defendants. Federal Defendants, whom have and are refusing to prosecute those (EG&G) whom have defrauded the United States of America. A conflict of unparalleled proportions.

EG&G DEFENDANTS

The EG&G Defendant parties, under the representation of counsel, Neil Linden and Jack Reiter, did respond to the Petitioner's Writ, on October 27th, 2004.

Said Response, sent by US Mail, was only sent to Richard Giuffreda, for the Butler Defendants, myself, Brian Kilcullen and the Clerk of the Court. In violation of Supreme Court Rule 29, no service was made upon the Acting Solicitor General.

This Response, sent through the US Mail, constitutes a violation of the federal Mail Fraud Statute, 18 U.S.C. 1341. (See Appendix A) Said Response, contains false and misleading statements of fact, known to be false, at the time of it's writing. Designed to make available to the EG&G Defendants, affirmative defenses, which they would otherwise, not be eligible for.

FRAUD ON THE COURT

I, Brian Kilcullen, do not allege, the crimes, deprivations or conspiracies, stated in the Writ. I don't have to. I am the aggrieved party. I was there. I saw, heard and witnessed everything that transpired or not, as the case may be. Therefore, I know the position, that all parties and their counsel's were

placed in, when faced with this factual and supported Writ for Certiorari.

The refusal of the Butler and Federal Defendants, to respond in this matter, where according to Supreme Court Rule 15.2, that; "Counsel are admonished that they have an obligation to the Court to point out in the brief in opposition, and not later, any perceived misstatement made in the petition." is evidence of the dilemma placed upon the defendant parties.

Respond to the Writ and they have to lie. Refuse to Respond and they have to stand silent where criminal acts and conspiracies are directed towards them. The Butler and Federal Defendants, erred on the side of caution and pray that this high court, does not grant Brief or invoke supervisory jurisdiction.

The EG&G Defendants, on the other hand, chose not to stand silent, but just as in the inferior courts, from which this Petition is taken, have chosen to repeat their fraudulent, unsupported deceits, in order to discredit myself, Brian Kilcullen.

They are, for all intensive purposes, locked into the deceits and frauds which they have perpetrated from the start. They cannot escape the web of deception, they have worked themselves into.

As a basis for these frauds, deceits and conspiracies, I have pointed to the unwavering position, that I obtained the supposedly missing logbooks and avionics, of which this subject matter revolves about, from the hands of John Dent, by and for EG&G et al., as part of the sale of N802ME.

Lest, there be any doubts, the Petitioner, has provided relevant excerpts from SA Consavage's deposition. Where, although Mr. Consavage's loyalties are brought into question, his factual findings, as the criminal investigator in this matter, completely and unequivocally contradict the EG&G Brief in Opposition.

If this court should direct it's focus to anything in this Petition, this should be it. As, it is precisely upon this point that

all defenses, representations and constitutional rights lie.

If, I, Brian Kilcullen, as sworn to within the Writ, and supported by the attached Consavage Excerpts, obtained the missing logbooks and avionics, from EG&G et al., then it is without doubt, that the representations to this high court, within the EG&G et al. Brief in Opposition (Pages 1 & 2), are false and deliberately put forth, in order to perpetrate and perpetuate an extrinsic fraud. (See Appendix C - ASG Letter)

There exist no middle ground. Either I, Brian Kilcullen am guilty of Mail Fraud and Fraud on the highest court in the land or EG&G et al. is. If for no other reason, the Supreme Court of the United States, should invoke supervisory jurisdiction and conduct evidentiary or Rule 11(b) hearings, in order to preserve the integrity and credibility of the Judiciary.

It should be noted, that the ASG's refusal to respond, in this matter and the lack of service on the ASG, by the EG&G Defendants, for their blatantly false RESPONSE, is conveniently orchestrated, such that these entities, which have and are denying acting in concert, do not contradict one another, before this high court. Permitting, the EG&G Defendants, to put forth their fraudulent misrepresentations, unchallenged.

Nevertheless, ASG, Paul Clement, has been advised of these false statements, misrepresentations and schemes. (See Appendix C) Likewise, supplied a copy of the EG&G RESPONSE, by myself, Brian Kilcullen, on November 1st, 2004. In as strong a language, as possible, I have advised the ASG, whom is supposedly acting in the interest of the United States, that his refusal to Respond (Waiver of Right) and permitting of these knowingly false statements of material fact, to appear before this high court, is both inappropriate and in furtherance of a scheme to defraud. That is, to further the scheme of both the EG&G and Federal Defendants, to conceal criminal acts and conspiracies, which invariably deprive me, Brian Kilcullen, Due Process of Law. An unlawful act and

scheme, being played out before the Supreme Court of the United States.

Which, if not justification for this high court's invocation of it's supervisory powers, nothing is!

CONSTITUTIONAL DEPRIVATION

Here we have an equitable RICO action, where discovery of the material facts, has never taken place. Where, the defendant parties (3), in spite of allegations of conspiracy, have all acted in concert to obstruct discovery and the civil process. And, where there has never been any type of evidentiary or Due Process hearing before any court.

A greater example of a Catch 22 type fraud, could not be found. I am supposed to have known, in July of 1997, that these defendant parties, whom I had never met, nor interacted with, had material knowledge as to the falsity of their acts and positions. That they were in possession of evidence, which, somehow, I am supposed to have known existed, even though said evidence, was exclusively in possession of federal law-enforcement. Evidence they have and are, still to this very day, refusing to proffer. And, that said evidence, which has taken the Petitioner, six (6) years to accrue, points to acts of Constitutional Deprivations, Criminal Fraud and Racketeering. All of which, give the Petitioner Causes of Action, upon which to hold the defendant parties liable, at that time.

A 12 (b)(6) motion to dismiss for failure to state a claim upon which relief can be granted, the complaint must be construed in the light most favorable to the plaintiff, and all facts as alleged by the plaintiff must be accepted as true. Hishon v. King & Spalding 467 U.S. 69,73 104 S. Ct. 2229 (1984) Brooks v. Blue Cross & Blue Shield of Fla. 116 F3d. 1364, 1369 (11th Cir.1997)

Any person injured in his business by a RICO violation may bring a private action under the RICO statute. 18 U.S.C. 1964(c)

The language is interpreted broadly to include any injury to business resulting from the predicate acts. Sedima S.P.R.L. v. Imrex Co., Inc. 473 U.S. 479 (1985)

The 11th Cir. Has held that a civil RICO cause of action begins to accrue as soon as the plaintiff discovers, or reasonably should have discovered, both the existence and source of his injury and that the injury is part of a pattern. Bivens Gardens Office Bldg. v. Barnett Bank 906 F2d. 1546, 1556 (11th Cir. 1990)

In rejecting pattern discovery as a basic rule, we do not unsettle the understanding that federal statutes of limitations are generally subject to equitable principles of tolling, see Holmberg v. Armbrecht , 327 U. S. 392, 397 (1946), and where a pattern remains obscure in the face of a plaintiff's diligence in seeking to identify it, equitable tolling may be one answer to the plaintiff 's difficulty, complementing Federal Rule of Civil Procedure 11(b)(3). See ibid.; see generally Klehr , 521 U. S., at 192 -193 (noting distinctions between different equitable devices).

However, the requirement of pleading fraud with particularity is relaxed where the particulars of the fraud claims are peculiarily within the knowledge of the defendants. Divittorio v. Equidyne Extractive Industries, Inc. 822 F2d. 1242, 1247 (2nd Cir. 1987) Schlick v. Penn-Dixie Cement Corp. 507 F2d. 374, 379 (2nd Cir. 1974) 421 U.S. 976 (1975)

"And in trust cases, where the proof is largely in the hands of the alleged conspirators" Poller v. CBS 368 U.S. 464, 473 (1962) "dismissals prior to giving the plaintiff ample opportunity for discovery should be granted sparingly." Hospital Bldg. Co. v. Trustees of Rex Hospital 425 U.S. 738 (1976)

Any plaintiff who is blamelessly ignorant of the existence or cause of his injury, should be accorded the benefits of the more liberal equitable tolling standard. Barrett v. U.S. 689 F2d. 324, 327 (2nd Cir. 1982) 462 U.S. 1131, 103 S.Ct. 3111 (1983)

There is no bright-line rule for determining standing when an individual, who is also a corporate shareholder sues to recover for a *RICO act violation that affects both the individual and the* corporation, the inquiry is inherently fact-specific. Maiz v. Virani 253 F.3d. 641, 655 (11th Cir. 2001)

"Whether a plaintiff has standing to assert a RICO claim is a threshold legal issue subject to de novo review. Andrews v. American Tel. & Tel. Co. 95 F3d. 1014, 1022 (11th Cir. 1996)

CONSTITUTIONAL MANDATE

The uncontested fact, that there has been a taking of private property, mandates due process of law. Due Process has been adjudicated, by this high court, as the permitting of an aggrieved party, to investigate their case and a due process hearing in that regard. The record, in this matter, is absent any discovery of the true operative facts and any hearing whatsoever, before a court of law. This is a direct and unequivocal violation of my 5th Amendment Due Process Right. Which properly grants this Court jurisdiction and mandates this Court's supervisory powers.

If this Court, denies Brief, it denies the citizens of this country, the very basis of their constitutional rights. That of the Right to be free from invasions of ones person, property and/or papers, without probable cause. For, if the government can execute seizures of persons/property and/or papers, without ever having to support said affidavits, then the 5th Amendment Due Process clause is without meaning.

SUMMARY

Justices of the Supreme Court of the United States. The case before you is fraught with violations of federal statute, constitutional rights and fraud on these federal courts. You have, but to scratch the surface to uncover one of the most egregious threats to our civil society. Invoke your supervisory powers and see that which all defendants would conceal, deny and shield. Do not and permit this criminal enterprise, before you, to negate the that which you derive your powers from and that to which you are sworn. The Constitution of the United States.

I, Brian Kilcullen, respectfully request that the Supreme Court of the United States, invoke it's supervisory powers and fully investigate and adjudicate this criminal matter. For, it is without doubt, that if the Supreme Court of the United States, like the inferior courts below, would permit fraud to be perpetrated upon it, then the Court itself and the Constitution, from which it is empowered, fails in it's most basic mandate. The protection of these United States and the Constitution for which it stands.

Respectfully submitted,
November 8th, 2004

Brian Kilcullen, *pro se*
1208 Seminole Drive
Ft. Lauderdale, Florida, 33304
Tel: (954) 772-0200

I, Brian Kilcullen, swear that the statements and facts herein, are true and correct to the best of my knowledge and supported by numerous documents and evidence within my possession, on today's date of November 8th, 2004.

Brian Kilcullen

The foregoing instrument was acknowledged before me this 8th day of November, 2004, by Brian Kilcullen, who ~~is personally known to me~~ produced.

Signature

Notary Public, State of Florida

JUAN CARLOS HERRERA
MY COMMISSION # DD 19
EXPIRES: March 31, 20
Bonded Thru Notary Public Under

K424-061-56-441-0
FL DRIVER'S LICENSE

APPENDIX A

18 U.S.C. § 1341. Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation affects a financial institution, such person shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

APPENDIX B

SA Consavage Deposition Excerpt:

Page 36, Lines 1 thru 9.

A I think under the circumstances, we are obligated to find out what occurred. Seeing as the plane was advertised as having no logbooks, two pieces of avionics and in fact, apparently was sold with full logbooks and all the avionics, therefore, the Customs Service did not, in my opinion, obtain the money it should have at the auction, because I believe if the plane had been advertised with all the avionics and with all current logbooks, it would have sold for more than $365,000.

Page 90, Lines 16 thru 21.

A My opinion is that EG&G would have to take a look at the way this whole thing happened and Jerry Hawkins being his supervisor and being in the meetings where Dent described what he did with the transfer of inventory to one seizure to another, didn't document it or tell Customs, didn't show it to anybody, I mean, this just doesn't make any sense.

APPENDIX C

November 1, 2004

Office of the Solicitor General
950 Pennsylvania Avenue, N.W.
Room 5614
Washington, DC 20530-0001
(202) 514-2217

Attn: Paul D. Clement - Acting Solicitor General

Ref: 04-197 Brian Kilcullen v. Guy Lewis, et al.

Dear Sir, You were provided copies (6) of a Petition for Writ of Certiorari some time ago, for the above styled case. This case involves a number of individuals and entities, comprised in part of federal employees, both past and present, of the Departments of Justice, Treasury and Homeland Security. Whose interest, in addition to that of the United States of America, you now represent.

The other named defendants, comprise a criminal element whom those named federal defendants, you now represent, have agreed to and historically have, protected from criminal prosecution for enumerable violations of federal criminal statute. To include, but not limited to, predicate acts of Mail Fraud, Wire Fraud, Schemes to Defraud, Purloining of Government Property/Assets, Obstruction of Justice, False Statements to Federal Agents, Obstruction of a Criminal Investigation, Violation of Constitutional Rights and Conspiracy. All historically frozen in time throughout the seven (7) years this pursuit of justice has taken. You are being advised of this, at this point in time, because this criminal enterprise and it's Racketeering acts has risen to the level of the Supreme Court of the United States and it is believed, not only inappropriate, but a violation of all this country stands for and

upon which it was formed, for you, the Acting Solicitor General of the United States to permit such frauds, schemes and violations to go before this high court.

On October 27th, 2004, EG&G, et al. did respond to this Petition for Writ of Certiorari, by sending through the US Mail, a Response, with statements of fact, known at the time of it's writing, to be false and fraudulent, for the purpose of dodging both criminal and civil liabilities for violations of federal statute, perpetrated by it's employees and others. All pursuant to a criminal conspiracy, entered into some seven (7) years ago, with those named federal defendants you now represent. (See attached Brief & Affidavit of Service, which does not show the ASG being served)

The following falsities and misrepresentations, to include but not limited to, Neil Linden's & Jack Reiter's statements and representations, that Brian Kilcullen's proclamations are without merit, are false, known to be false when written and put forth for an improper and illegal purpose.

Page 1: "The aircraft was originally advertised for sale at the auction without a complete set of logbooks or avionics." This statement is directly contradicted by EG&G's own advertising, which states that there are "No Logbooks". It is put forth, with the deliberate and criminal intent of creating in the reader's mind the impression that there existed missing inventory, which was properly represented. Which, both you and I know, is not the case. As, the inventory for the subject aircraft, N802ME, was known to be complete by both the EG&G and Federal Defendants, at that time. And, any cursory examination of the exhibits in this action or evidence within your possession and control, would clearly show said advertising and this representation to be a known falsity.

Page 2: "After purchasing the aircraft, SkyKnight obtained possession of the log books believed missing and attempted to sell the aircraft with a complete set of logbooks for profit."

This statement is put forth to supplant the impression with the reader, that I, Brian Kilcullen came into possession of this missing inventory by means other than by EG&G, when it is known to both the EG&G and Federal Defendants, that said inventory was provided as part of the sale. Thereby, placing myself, Brian Kilcullen, in possession of "missing inventory", when actually, no such anomaly existed. Once again, any examination of the exhibits in this action or evidence within your possession and control, would clearly show this representation to be a known falsity.

(BRIEF IN OPPOSITION FOR RESPONDENTS (EG&G) - October 27th, 2004)

The rest of EG&G's Brief, like the frauds perpetrated in the lower courts, capitalizes on these misrepresentations, in order to facilitate the invocation of it's affirmative defenses of Standing, Limitations and Pleading. The reader(s) of this Brief are led to believe, that EG&G properly represented the subject aircraft, N802ME at auction, with missing logbooks and avionics and that I obtained these supposedly missing logbooks and avionics, after the sale, by some other means other than by the hands of EG&G. Thereby, somehow being responsible for causing myself injury in the subsequent seizure, of which this case revolves about. All false. All known to be false. And put forth, in order to facilitate an extrinsic fraud.

The exhibits, attached to this action, are replete with documentation, which show this to be an utter impossibility and further evidence of fraudulent misrepresentation in this matter. Permitting EG&G to misrepresent their deliberate and criminal withholding of material knowledge and evidence, as mere

discovery violations.

All done so, with the Department of Justice's assistance. For EG&G, can only make these false statements, misrepresentations and frauds, with federal law-enforcement's approval. As, US Customs, Department of Treasury, Department of Homeland Security and the Department of Justice, like myself, all hold the material knowledge and evidence to the contrary, which they (USA) have historically concealed as well.

The Solicitor General of the United States of America, represent the United States. The Solicitor General's chief business is not to achieve victory, but to establish justice. As quoted from the ASG's web-site:

> But so long as Solicitors General apply the principle best articulated by my predecessor Frederick Lehmann -- that "[t]he United States wins its point whenever justice is done its citizens in the courts"(113) -- and so long as Solicitors General maintain fidelity to the rule of law, it will continue to be true, as Francis Biddle wrote following his tenure in the office, that "[t]he Solicitor General has no master to serve except his country."

You cannot, in good-faith and conscience, permit such frauds and deceits, as clearly evident in the EG&G Defendants' Brief, to be put forth before the Supreme Court of the United States. To do so, is to directly and unequivocally link the interest of the United States of America to the protection of those known to have perpetrated criminal fraud, against the United States of America. Likewise, your silence (Waiver of Right) in this matter will facilitate this fraud, forever linking the United States of America to the deliberate and criminal furtherance of a criminal organization, by standing silent in order to protect those afore mentioned federal defendants. Federal defendants, whom have clearly conspired and acted in concert with these (EG&G) criminal elements.

Whatever, tactics and plausible deny-ability, you may think you have available to you, you should seriously reconsider. I, Brian Kilcullen, the Plaintiff/Appellant/Petitioner, have the material knowledge, which only a victim of the afore stated frauds/deceits & conspiracies can have. It is mine to do with what I wish. And, I wish to divulge, for all America and the world to see, that which is clearly evident.

Your subordinates have adopted the tactics of concealment, denial/deprivation, fraud and silence. Firstly, they tried to conceal that, which only they knew. Secondly, they outright lied and perpetrated fraud on the courts, in order to obstruct and deny. And, lastly, they fall silent, hiding behind closed doors, in a lame attempt to hold on to some plausible deny-ability. Which will be their undoing.

For, I can and will pursue this matter, in whatever forms I wish. It does not matter for the eventuality of this criminal matter, the granting of Brief by the Supreme Court of the United States. Naturally, it would be to the United States of America's and it's citizens benefit, but if your's and EG&G's frauds should prevail, at this level, then consider this.

The Supreme Court will not be the End, but the Beginning of the End. For, when the United States of America, represents the interest of those known to have defrauded the United States of America and those (EG&G) whom they act in concert with, then the United States of America, is as criminal as those whom they protect. And, the Constitution of the United States, from which the Judiciary is empowered, is merely a relic of days gone past and criminally put forth as an facade and fraud, by which the government seeks it's citizens agreement. For, the United States Government, like any other government, only exists by the agreement of it's citizens to it's constitutional mandate. Which without, said government evaporates into civil distrust, civil disobedience and ultimately open dissension and revolt.

And all, you sir, the Acting Solicitor General of the

United States of America, like that of your subordinates before you, will be able to do, is to stand silent, hide and conceal that which you possess. The evidence, which those before you and those whom you represent have not and cannot reveal. For it's existence, documents, confirms and convicts all those named and unnamed.

Bring to the attention of the Supreme Court of the United States and any and all federal law-enforcement entities, the violations of federal statute taking place within this case and matter, immediately! Do it now! Do it not and the melee that results, lies with you sir.

For, I, Brian Kilcullen, born on December 1st, 1956 in Oakland, California have inalienable rights. This is my home. I have the right to that which is mine. I have the right to my property, my business and family's well-being. I have the right to be free from unlawful and unjust invasions of my privacy and life. I have the right to hold those responsible for tort and injury, liable. And sir, I have the right to live free from threat and intimidation. Which, if you believe nothing else, believe this. I have been threatened. I do believe my life and that of my family's is in jeopardy. All for merely trying to assert these inalienable rights. By, both those civil, as well as, federal components named herein this action. It is irrelevant what you think. It is irrelevant what your subordinates think. I am the one in possession of the material knowledge and evidence which places me in harm's way. Knowledge and evidence, which if not for the criminal acts of others, I would not have.

Your subordinates, in an all-out attempt to prevail, have abrogated the judicial process. They, now you, are utilizing the sovereign powers of these United States to abrogate the judicial process. The ultimate down-fall of this government, will be yourselves. For, you sir and all those whom have abused the rules, powers and discretions, we the People of these United States, have and do grant you, are the architects of this travesty. Permit it to continue and this is where it will end.

EG&G/Butler Defedants:

If this criminal fraud is permitted to continue, then I, Brian Kilcullen, will make unnegotiable demands of these defendants, for any and all monetary damages, for which they are known to be liable. If these defendants are permitted to hide behind the United States of America then these demands, will be directed towards the United States government.

Any retaliations or threats, perceived or otherwise by these defendants, will escalate this matter to the violence, of which I have no doubt, will result.

Federal Defendants:

If this criminal fraud is permitted to continue, then I, Brian Kilcullen, will make unnegotiable demands of the United States government, for any and all monetary damages, for which those named Federal Defendants, are known to be liable. As stated above, should the United States stand firm in it's protection of these other defendants (EG&G - Butler), then the United States will be liable for any and all damages incurred by their co-conspirators acts as well.

Any retaliations or threats, perceived or otherwise by these defendants, will escalate this matter to the violence, of which I have no doubt, will result. Thereby, cementing the downfall of the United States of America, which our founding fathers envisioned and formed.

This criminal enterprise, of which you are on the verge of permitting to contaminate the entire United States of America, has abrogated the entire civil and criminal justice system If you want/ed to permit the system to work, than you will/would permit it to do so. In the absence of the civil process and the Constitution of the United States, from which it is born, my inalienable rights do not evaporate into thin air. They are mine to do with what I wish. And, since the defendant parties do not wish to sit down to the table and litigate, mitigate or adjudicate the facts of this criminal matter, then we will deal

with them on a different level.

EG&G perpetrated fraud where they believed, rightfully so, that they could get away with it. Terrence Thompson, Laurie Rucoba and the federal agents involved, entered into said conspiracies, because they believed, once again, historically proven, that they would be protected. And, now the United States of America, under your representation sir, has the utter gall to come before the highest court in the land, with the convoluted position of representing those whom have and are defrauding the United States, as well as, the interest of the United States whom they (Federal Defendants) have defrauded. A paradox of unbelievable unmitigated arrogance. What must you think of the People of these United States. How ignorant and naive do you think we are.

I can assure you, that even though you and your associates, can easily misrepresent and conceal the truth, the citizens of these United States will not be so easily deceived. And, unless you can offer up evidence and answer the questions which will be put forth, then they, like I, will see that which is evidenced. That they, like I, do not have a 4th Amendment Right to be free from search and/or seizure of person or property, without probable cause. And, that they, like I, will not have available to them, these courts and officers, whom hold their 5th Amendment Right to Due Process of Law at bay. Cementing the factual truth, that the Constitution of the United States is a fraud.

This letter is being provided to all relevant parts of the United States government so that they are informed as to the criminal positions you have placed them in. As such, they are duly notified, that any actions taken against myself, will be viewed as further criminal acts, perpetrated by a criminal organization. It is irrelevant what you, the Department of Justice, the judiciary or any agents think and/or believe. I have unequivocal proof and material knowledge of the criminal enterprise, of which I speak. Therefore, all United States government employees, to include but not limited to, law-

enforcement, whom hide behind closed doors, refuse to investigate and/or prosecute this criminal matter, are viewed as potential threats to my life, liberty and/or business interests. And any actions taken against myself will be viewed as that which I know them to be. Criminal acts which I have the right to fight against. And, since the judiciary is now, nothing more than an extension of this criminal enterprise, than the courts are not an option. There but remains my dissension, disobedience and revolt. By any means possible.

Remain silent and I, Brian Kilcullen, will indict you, your department and the United States Government for the treasonous action and inaction you have perpetrated to date. Your refusal to act, pursuant to your mandate as the Solicitor General of the United States, relegates the Rule of Law, non-existent. Your silence speaks volumes. Your dereliction of duty, cries fraud! Your convoluted and misguided ploys and illegal maneuvers scream for revolt.

So help me God, this cover-up will fall or I will die trying in this pursuit.

So say I, Brian Kilcullen, on this 1st day of November, 2004.

Sincerely,

(Signed/ Brian Kilcullen)

Brian Kilcullen
Tel: (954) 772-0200

cc: ABC News
President of the United States

Attorney General
Congress
Department of Homeland Security
Department of the Treasury
Internal Revenue Service
Customs & Border Protection
Immigration & Customs Enforcement